

Report Date: January 5, 2018

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
JAN 08 2018
SEAN F. McAVOY, CLERK
SPOKANE, WASHINGTON DEPUTY

Name of Offender: Eric Lynn Heartburg Case Number: 0980 2:04CR00061-WFN-1
Address of Offender: Spokane, Washington 99201
Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge
Date of Original Sentence: June 14, 2004
Original Offense: Armed Bank Robbery, 18 U.S.C. § 2113(a) and (d) - 2 counts
Original Sentence: Prison - 120 months Type of Supervision: Supervised Release
 TSR - 36 months
Asst. U.S. Attorney: Stephanie A. Van Marter Date Supervision Commenced: February 7, 2017
Defense Attorney: Federal Defenders Office Date Supervision Expires: February 6, 2020

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 12/15/2017 and 12/27/2017.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number Nature of Noncompliance

4 **Special Condition # 10:** You shall abstain from the use of alcohol and illegal controlled substances, and shall submit to urinalysis testing, including Breathalyzer testing, as directed by the supervising probation officer.

Supporting Evidence: On February 8, 2017, Mr. Heartburg's conditions of supervision were reviewed with him. He signed his conditions, acknowledging an understanding of his conditions, to include special condition number 10, as noted above.

Mr. Heartburg violated his conditions of supervised release by using methamphetamine on January 4, 2018.

On January 4, 2018, Mr. Heartburg reported to the probation office and was directed to submit to a urinalysis testing. The urine sample was presumptive positive for methamphetamine and sent to Alere Toxicology for further testing. Mr. Heartburg had denied using any illicit drugs when confronted about the positive test. The results are still pending.

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- 5 **Special Condition # 10:** You shall abstain from the use of alcohol and illegal controlled substances, and shall submit to urinalysis testing, including Breathalyzer testing, as directed by the supervising probation officer.

Supporting Evidence: On February 8, 2017, Mr. Heartburg's conditions of supervision were reviewed with him. He signed his conditions, acknowledging an understanding of his conditions, to include special condition number 10, as noted above.

Mr. Heartburg violated his conditions of supervised release by failing to submit to random urinalysis testing as directed on January 2, 2018.

On January 2, 2018, the color of the day for urinalysis testing was brown1, Mr. Heartburg's assigned color for random urinalysis testing at Pioneer Human Services(PHS). According to the roster for urinalysis testing that was received from PHS, Mr. Heartburg failed to appear. When confronted about his "no show" for urinalysis testing, Mr. Heartburg admitted he forgot to call the urinalysis testing hotline as directed on January 2, 2018.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/05/2018

s/Corey M. McCain

Corey M McCain
U.S. Probation Officer

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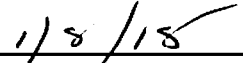
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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer



Date